

REMARKS

Applicant respectfully requests reconsideration of the subject application. This Response is submitted in response to the Office Action mailed January 4, 2011. Claims 34-56 are pending. Claims 34-56 are rejected. No new matter has been added.

35 U.S.C. §102 Rejections

The Examiner has rejected claims 34-40, 41-43 and 45-52 under 35 U.S.C. § 102(b) as being anticipated by Jackson (U.S. Patent No: 1,731,576, hereinafter "Jackson").

The Examiner has stated (emphasis added in "Response to Arguments" on Page 6):

"Jackson's invention meets the claimed limitations, for example, the hammer of Jackson is considered one integral part even though it has different components, and the hammer, including the elongated rod with chisel end is considered elongated having simultaneously two opposing ends. Either end of the tool can strike external work surface."

and on page 7;

"The examiner contends the hammer weight and the rod having chisel end is considered one integral part and the rod is further considered removable and can thus be reversed and reorientated to extend through the lower end of the housing."

Applicant submits that these statements are in conflict with themselves and with the wording of claim 34. Firstly, claim 34 states the "*hammer is a substantially elongated weight with first and second tool ends located at opposing longitudinal ends of the weight*". Thus, the hammer is not only required to be elongate with two opposing ends, but the opposing ends must be tool ends.

The Examiner is combining the chisels (7) and the hammer (5) of Jackson's invention to represent the hammer of the present invention --- however, such a combination clearly does not have the tool ends (6, 7) located at the opposing longitudinal ends of this 'composite' hammer. Instead, only one of the two tool ends of the chisel (6, 7) can be at one of the 'longitudinal ends', whilst the other end will be located in the centre of the 'composite hammer' formed from the hammer (5) and chisels (7).

Moreover, if the hammer is composed of the hammer (5) and chisels (7), simply reversing the "rod having chisel end" as argued by the Examiner on page 7 (and quoted above) does not involve reversing the whole hammer defined by the Examiner as being the hammer (5) and chisels (7).

If the hammer (5) and chisels (7) are contended to be equivalent to the single hammer in the present invention, then there is no teaching in Jackson whatsoever on how (or why) the combined hammer assembly of the hammer (5) and chisels (7) could be reversed or how it could then function as required.

It thus seems wholly contradictory to argue that the Jackson invention discloses an 'integral hammer' composed of different components whilst simultaneously arguing that only one component of the hammer (i.e. the chisels (7)) need to include features applied to the whole hammer in claim 34, i.e.,

- having to reverse the whole hammer so that the tool ends are reversed;
- having tool ends located at both the longitudinal ends of the whole hammer.

In order to make the salient differences between Jackson and the present invention explicitly clear, Applicant has further amended claim 34 as shown below to

clarify that the hammer is a single unitary object, formed with tool ends at both the opposing longitudinal ends.

*Claim 34. (Currently Amended) A hammer assembly, including:
a housing;
a hammer received in the housing; and
a drive mechanism for reciprocating the hammer,
wherein the hammer is a substantially elongated unitary weight formed
with integral first and second tool ends located at opposing
longitudinal distal ends of the weight, such that in use the hammer and
said first and second tool ends reciprocate synchronously, where either
the first or second tool end extends through a lower opening end in the
housing to strike an external working surface during each cycle of said
reciprocation, the hammer assembly characterised in that the hammer
is capable of being removed from the housing, reversed and replaced in
the housing, enabling either of the first and second tool ends orientated
to extend through the lower opening end in the housing to be
interchanged.*

Thus, claim 34 now makes it clear that unlike the *Jackson* invention, the weight is unitary (and not composite) and that the tool ends are an integrally formed part of the weight and not separate components.

Applicant respectfully submits therefore that *Jackson* does not anticipate claim 34, nor does it render it obvious for the reasons outlined above. Claims 35-40, 41-43 and 45-52 are all dependent on claim 34 and consequently Applicant submits that correspondingly, they are neither anticipated nor rendered obvious by *Jackson*. Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 35-40, 41-43 and 45-52 under 35 U.S.C. § 102(b) as being anticipated by *Jackson*.

35 U.S.C. § 103 Rejections

The Examiner has rejected claims 44 and 53-55 under 35 U.S.C. § 103(a) as being unpatentable over Jackson in view of Robson (U.S. Patent No: 5,363,835, hereinafter "Robson"); and claim 56 under 35 U.S.C. § 103(a) as being unpatentable over Jackson in view of Robson in view of Kikel (U.S. Patent No: 4,848,197, hereinafter "Kikel").

Applicant submits that as independent claim 34 is novel and inventive over *Jackson* for the reasons expounded above, and as claims 44 and 53-56 are all dependent on claim 34, it follows they are also novel and inventive. Applicant, accordingly, respectfully requests withdrawal of all the rejections under 35 U.S.C. § 103(a) as being unpatentable over Jackson in view of Robson in view of Kikel.

Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (650) 798-0342.

Please charge any shortages and credit any overages to Deposit Account No. 19-3140. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 19-3140.

Respectfully submitted,
SNR DENTON US LLP

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